IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 13TH APRIL 2007 / 23RD CHAITHRA 1929

WP(C).No. 12953 of 2007(P)

PETITIONERS:
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1. ANIL K.ANTONY, AGED 33 YEARS,
S/O K.P.ANTONY, KARRIKAMURI HOUSE,
KUMARANASAN ROAD, KALLOOR P.O., ELAMKULAM VILLAGE,
ERNAKULAM.

2. IVY SUSAN THOMAS, AGED 31 YEARS,
D/O A.M.THOMAS, IVY BHAVAN,
MANARKADU P.O., KOTTAYAM.

BY ADV. SRI.C.S.MANILAL

RESPONDENTS:

THE ADDITIONAL SUB REGISTRAR,
(REGISTRAR UNDER THE SPECIAL MARRIAGE ACT)
SUB REGISTER OFFICE, KOTTAYAM.

BY G.P.SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.12953 OF 2007

Dated 13th April, 2007

JUDGMENT

Koshy,J.

This is a petition for dispensing with notice under the Special Marriage Act. A Division Bench of this court passed an interim order (Ext.P6) for dispensing with the notice under the Special Marriage Act considering the fact that church marriage had taken place and two children were born in the wedlock, aged 20 years and 18 years, and their birth certificates contain the names of both petitioners as father and mother. In exceptional circumstances, of course, this court can direct to dispense with the provision of the Special Marriage Act. In this case, petitioners stated to be married in Church of God (Full Gospel) in India at Manarkadu in Kottayam District which is a society registered under the Societies Act. Considering the certificate, we are of the view that no sufficient grounds are made out for dispensing with statutory conditions of giving notice as it is not an exceptional case.

The writ petition is dismissed.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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